

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRYSTAL HOWERY,

Plaintiff,

No. C 14-01980 WHA

v.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS,

Defendant.

ORDER TO SHOW CAUSE

This employment-discrimination action was reassigned to the undersigned judge on August 14, 2014. Before reassignment, the previously assigned magistrate judge held a case management conference on July 30, 2014, but *pro se* plaintiff Crystal Howery did not appear. The magistrate judge then issued an order to show cause by August 8, 2014, as to why this matter should not be dismissed for failure to prosecute, and noting that “it appears that Defendant has not yet been served” (Dkt. No. 6). That August 8 deadline came and went, with no response received from Ms. Howery. On August 14, 2014, the magistrate judge filed a report and recommendation to dismiss this action for failure to prosecute.

On August 28, 2014, Ms. Howery timely filed an objection to the report and recommendation, pursuant Section 636(b) of Title 28 of the United States Code, Federal Rule of Civil Procedure 72(a), and the local civil rules. In that objection, she lists a number of reasons for why her action should not be dismissed, including the following statements (Dkt. No. 12):

1 Plaintiff attempted to determine who and where to serve the
2 complaint on defendant with great difficulty.

3 * * *

4 Although Plaintiff timely served the defendant, this event did not
5 occur until approximately 48 hours ago. Certificate of service is
6 [and] has not been made available to the Plaintiff from the process
7 server, despite many calls.

8 * * *

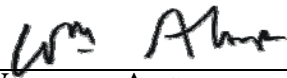
9 Plaintiff would also appreciate an extension of time to file amended
10 objections.

11 In regards to service, no other details are provided in Ms. Howery's objection. It therefore
12 remains unclear as to whether defendant has been properly served.

13 Accordingly, Ms. Howery is hereby **ORDERED TO SHOW CAUSE** as to whether proper
14 service has been effected on defendant. Ms. Howery must file a written response to this order,
15 and file a certificate showing that the summons and complaint have been properly served on
16 defendant, by no later than **SEPTEMBER 10, 2014**. If no response and/or certificate of service is
17 filed, this action may be dismissed for lack of prosecution. *See* Fed. R. Civ. P. 41(b).

18 **IT IS SO ORDERED.**

19 Dated: September 2, 2014.

20 
21 WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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